

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
JANE DOE on behalf of herself and her minor  
child, SARAH DOE,

Plaintiff,

vs.

2:21-CV-05012 (FB) (SIL)

FRANKLIN SQUARE UNION FREE  
SCHOOL DISTRICT, and MARY T. BASSETT,  
in her official capacity as Commissioner of the New  
York State Department of Health,

Defendants.  
-----X

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that defendant Mary T. Bassett, M.D., M.P.H., sued in her official capacity as Commissioner of the New York State Department of Health (“DOH”) by her attorney, LETITIA JAMES, Attorney General of the State of New York, shall move this Court before the Honorable Frederic Block, United States District Judge, at the United States Courthouse for the Eastern District of New York located at 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time to be determined by the Court, for an Order dismissing the Amended Complaint in the above-captioned action filed on January 20, 2022 (ECF No. 33, the “Amended Complaint”), in its entirety and with prejudice, pursuant to Federal Rule of Civil Procedure (“Rule”) 12(b)(1) for lack of subject matter jurisdiction and Rule 12(b)(6) for failure to state a claim on which relief can be granted.

**PLEASE TAKE FURTHER NOTICE**, that in support of its motion to dismiss, DOH shall rely upon the memorandum of law in support of its motion to dismiss the Amended Complaint, dated February 25, 2022; the Declaration of Todd A. Spiegelman in support of DOH’s motion to dismiss the Amended Complaint, dated February 25, 2022, and the exhibits attached thereto; the Amended Complaint; and all other pleadings and papers herein.

**PLEASE TAKE FURTHER NOTICE**, pursuant to this Court's Individual Practice Rule 2(D) and the Court's Order in this action dated January 21, 2022 (Minute Entry), any opposition papers to this motion to dismiss are due to be served on or before April 7, 2022; DOH's reply papers, if any, are due to be served on or before April 28, 2022; and DOH shall file all motion papers on or before April 28, 2022.

Dated: New York, New York  
February 25, 2022

LETITIA JAMES  
Attorney General of the  
State of New York  
*Attorney for Defendant DOH Commissioner*  
By: \_\_\_\_\_/S/\_\_\_\_\_  
TODD A. SPIEGELMAN  
Assistant Attorney General  
28 Liberty Street  
New York, NY 10005  
Tel. No.: (212) 416-8661

To: Sujata S. Gibson, Esq.  
407 N. Cayuga St., Suite 201  
Ithaca, NY 14850  
*Attorney for Plaintiff*

Adam I. Kleinberg, Esq.  
Sokoloff Stern LLP  
179 Westbury Avenue  
Carle Place, NY 11514  
*Attorney for Defendant Franklin Square School District*